

FILED

AUG 29 2014

N.J. BOARD OF NURSING

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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION	:	
OR REVOCATION OF THE LICENSE OF	:	Administrative Action
	:	
KELLI A. CHIAROLANZA-FOLEY, RN	:	INTERIM CONSENT ORDER
License # 26NO10012800	:	OF VOLUNTARY
	:	SURRENDER OF LICENSE
TO PRACTICE NURSING IN	:	
THE STATE OF NEW JERSEY	:	
	:	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which revealed that Kelli A. Chiarolanza-Foley ("Respondent"), a Registered Professional Nurse (RN) in the State of New Jersey, was arrested on June 29, 2014 by members of the Hanover Township Police Department and charged with violating N.J.S.A. 2C:21-1A(2), N.J.S.A. 2C:35-13, and N.J.S.A. 2C:20-7A. It is alleged that Respondent, while working as a nurse at a school, used prescription blanks from a physician at the school to fill out prescriptions for Respondent's family member without

proper authorization from the physician when the family member was not a patient of that physician.

By Final Consent Order filed on October 6, 2003, Respondent's license to practice was suspended for two years, which suspension was stayed and served a period of probation, after it was alleged that Respondent had diverted CDS in 2001 from her place of nursing employment and had ceased practicing from October 2002 - October 2003.

In 2008, Respondent enrolled in the Board's designated intervention program, the Recovery and Monitoring Program (RAMP) after being arrested for allegedly forging and/or calling in an unauthorized prescription for CDS for personal use.

By Consent Order filed June 4, 2010, Respondent left RAMP and began participation with the Professional Assistance Program (PAP). The Consent Order required Respondent to participate with PAP until successful completion of the program and to apply in writing for the removal of restrictions imposed by the Consent Order upon successful completion. The Order further provided that the Board may authorize removal of the restrictions by written notice without further Order of the Board. PAP advised the Board in December 2012 that Respondent had successfully completed her monitoring agreement and that she was still participating with PAP's Advocacy I program.

The allegations surrounding Respondent's recent arrest, if proven, would demonstrate that Respondent is subject to discipline pursuant to N.J.S.A. 45:1-21(f) and (b). The allegations of Respondent's recent arrest, taken in conjunction with her past history and two previous Board Orders are sufficient to warrant, as a condition for reinstated licensure, that Respondent undergo evaluation, testing, and monitoring to evaluate whether Respondent's continued practice may jeopardize the safety and welfare of the public and treatment as may be necessary to properly discharge nursing functions within the intendment of N.J.S.A. 45:1-22(e) and (f).

Respondent maintains that after the incident involving the school physician's prescription blanks, but before criminal charges were filed against her, she was placed on disability for an unrelated health issue for which she is receiving ongoing treatment and is unable to work at this time. As such, the Board finds that she is incapable for medical or other good cause, of discharging the functions of a licensee in a manner consistent with the public's health, safety, and welfare pursuant to N.J.S.A. 45:1-21(i).

It appearing that Respondent agrees to voluntarily enter into an interim agreement without making admissions and without prejudice to her ability to defend any action brought based on the

above allegations, and the Board finding the within disposition adequately protective of the public health, safety and welfare; and other good cause having been shown;

IT IS, THEREFORE, ON THIS 29 DAY OF Aug., 2014,
ORDERED AND AGREED THAT:

1. Respondent hereby voluntarily surrenders her license to practice nursing in the State of New Jersey pending disposition of the criminal charges and until further Order of the Board. Respondent shall, contemporaneously with the signing of this Order, forward her nursing license, both wallet and wall versions, to Barbara J.K. Lopez, DAG, P.O. Box 45029, Newark, New Jersey 07101, on behalf of the Board of Nursing.

2. Respondent shall immediately cease and desist from holding herself out as a nurse in the State of New Jersey and shall cease and desist from the practice of nursing in the State of New Jersey pending further Order of the Board.

3. Nothing contained herein shall be deemed an admission of liability on the part of Respondent.

4. The entry of the within Order is without prejudice to the further investigation and/or prosecution of any violations by Respondent of any statutes or regulations governing nursing practice in the State of New Jersey or any other violations of law,

by the Board, the Attorney General, or any other regulatory or law enforcement agency, including, but not limited to, any pending matters under investigation.

5. Nothing herein shall preclude the Board from initiating further disciplinary action based upon the conduct relating to Respondent as alleged above. Respondent shall appear before the Board prior to any reinstatement and the Board may impose discipline at the time of Respondent's petition for reinstatement.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Murphy, PhD, APRN, FAAN
Patricia Murphy, PhD, APRN
Board President

I have read and understand the within Order and agree to be bound by its terms. I consent to the entry of this Order.

Kelli A. Chiarolanza, RN
Kelli A. Chiarolanza-Foley, RN
License # 26N010012800

Consent as to form and entry.

JoAnn Pietro, Esq.
JoAnn Pietro, Esq.
Attorney for Kelli A. Chiarolanza-Foley, RN

